

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 7891**

**BILL NUMBER: SB 576**

**DATE PREPARED:** Jan 14, 1999

**BILL AMENDED:**

**SUBJECT:** Caller ID blocking.

**FISCAL ANALYST:** Brian Tabor

**PHONE NUMBER:** 233-9456

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires a telephone company that provides caller ID service to provide the Indiana Utility Regulatory Commission (IURC) with the name of each customer that has made a pattern of telephone calls that a reasonable individual could believe violate the Indiana law that prohibits the use of caller ID blocking by a person making sales solicitations. It requires the IURC to investigate information provided by a telephone company regarding illegal use of caller ID blocking. The IURC would be required to refer cases where there is sufficient evidence of illegal caller ID blocking to the appropriate prosecuting attorney. The bill also authorizes the IURC to adopt administrative rules to implement the requirements.

In addition, this bill enhances the penalty for illegal caller ID blocking to a Class D felony if a person has two or more unrelated violations of the caller ID blocking statute.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** Under current law, restrictions are placed on the blocking of a caller's phone number or identity for the purpose of solicitation. This bill would require a telephone company that provides caller ID service to inform the IURC of any customers that may be in violation of these restrictions. The IURC would be required to investigate and, if sufficient evidence is found, refer the offender to the appropriate prosecuting attorney.

The exact fiscal impact of these provisions depends on the number of investigations required. If a substantially large number of suspected violators are reported, the IURC may require additional staff. However, based on the number of complaints currently received by the IURC regarding telephone solicitations, the additional expenses could be absorbed within the Commission's current budget along with any costs related to rule making.

This bill also adds an additional criminal penalty for violations of the caller ID blocking statute. Under

current law, a single violation constitutes a Class B misdemeanor, but the penalty is increased to a Class A misdemeanor for an individual with a previous conviction for a similar violation. This bill establishes a Class D felony for violators with two or more previous convictions.

A Class D felony is punishable by a prison term ranging from 6 months to 3 years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately seven months.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** IURC, Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Mike Leppert, Director, Consumer Affairs, IURC, (317) 232-2714; Indiana Sheriffs Association; Department of Correction.